

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 06-10269-RWZ

UNITED STATES OF AMERICA

v.

ANTHONY VELEZ

ORDER ON MOTION TO REDUCE SENTENCE

June 25, 2012

ZOBEL, D.J.

Defendant, in 2008, pled guilty to a three-count indictment charging him with conspiracy to distribute and distribution of cocaine base. The amount of the drug implicated in the distribution counts was 6.6 grams. The Guideline calculation for this quantity of crack cocaine and a criminal history category of V yielded a range of 77-96 months imprisonment. However, what drove the sentence was the fact that defendant's criminal history included two prior felony convictions for drug offenses and one for a crime of violence. As a result, defendant was deemed to be a career offender, and his Guideline range escalated to 262-327 months. Finally, the government in due course filed an information pursuant to 21 U.S.C. § 851(a)(1) which required the imposition of a mandatory minimum sentence of 10 years. Thereafter, the parties entered into a plea agreement that, pursuant Fed. R. Crim. P. 11(c)(1)(C), provided for an agreed sentence of 151 months incarceration, a significant downward move from the Guideline range, but that took into account the mandated 10-year minimum sentence. The court

imposed the agreed sentence. Defendant now seeks a reduction of that sentence in accordance with 18 U.S.C. § 3582 and by virtue of the amended cocaine base guidelines.

Because the sentence imposed was based entirely on the career offender guidelines and the Section 851 mandate, no relief based on the quantity of drugs is available. Accordingly, the motion to reduce sentence is denied.

June 25, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE